IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 4401 of 1998

Between:

A.P.S.R.T.C. rep. by Senior Manager (O),
Kakinada, East Godavari Dist.

..... PETITIONER

AND

1 State Transport Appellate Tribunal, rep. by Presiding Officer
A.P. Hyderabad
2 Regional Transport Authority, East Godavari, Kakinada
3 Smt. N. Suryakumari W/o N. Satyanarayana
D.No.21-7-16, Salipeta, Kakinada, E.G. Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, especially in the nature of writ of certiorari, calling for the records relating to impugned order dt: 17-7-97 made in A.P.No.299/95 on the file of State Transport Appellate Tribunal, A.P. Hyderabad setting aside the order dt: 18-9-1995 in item No.84 in R.No.22551/A1/93 of the Regional Transport Authority, East Godavari Dist. at Kakinada and directing issue of permit to the 3rd respondent on the town service route, Peddapuram Municipal office to Unduru and quash the same as being illegal without jurisdiction and invalid.

Counsel for the Petitioner: MR.K.HARINATH

Counsel for the Respondents 1 and 2: GP FOR TRANSPORT

Counsel for 3rd Respondent: Sri Maruthi.

The Court made the following :

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WRIT PETITION NO. 4401 OF 1998.

ORDER:-

Heard both the learned counsel. This writ petition is filed aggrieved by the order of the State Transport Appellate Tribunal, A.P., Hyderabad setting aside the order of the Regional Transport Authority, Kakinada, East Godavari District, directing issue of permit to third respondent on the route Peddapuram Municipal Office to Unduru.

Case of the petitioner is that third respondent made an application to second respondent for grant of a pucca stage carriage permit on the so-called town service route and the second respondent rejected the said application. Against the said order, third respondent preferred appeal before first respondent, which was allowed. Further, the case of the petitioner is that the proposed route overlaps the notified route which is approved in G.O.Ms.No.781/75 and 47/77.

Having considered the submissions made on either side and on perusal of the material on record and in view of the principles laid down by a Full Bench of this Court in **A.P.S.R.T.C. v. State Transport Appellate Tribunal and others ,** such plea is not permissible. According, this writ petition is dismissed. No costs.

Stv/- 3—11—2004.

To

1 State Transport Appellate Tribunal, rep. by Presiding Officer
A.P.Hyderabad
2 RegionalransportAuthority, EastGodavari,Kakinada
3. Two C.Cs to Government Pleader for Transport, High Court Buildings, Hyderabad (OUT)

4. Two C.D.Copies.